

By the Committee on Appropriations; and Senator Latvala

576-04204-16

20161322c1

1 A bill to be entitled

2 An act relating to juvenile detention costs; amending
3 s. 985.686, F.S.; defining a term; revising the annual
4 contributions by certain counties for the costs of
5 detention care for juveniles; revising the methodology
6 by which the Department of Juvenile Justice determines
7 the percentage share for each county; requiring the
8 state to pay all costs of detention care for juveniles
9 residing out of state and for juveniles residing in
10 state detention centers in counties that provide their
11 own detention care for juveniles; deleting a
12 requirement that the Department of Revenue and the
13 counties provide certain technical assistance to the
14 Department of Juvenile Justice; revising the
15 applicability of specified provisions; amending ss.
16 985.6015 and 985.688, F.S.; conforming provisions to
17 changes made by the act; providing an effective date.
18

19 Be It Enacted by the Legislature of the State of Florida:
20

21 Section 1. Paragraph (c) is added to subsection (2) of
22 section 985.686, Florida Statutes, present subsections (9) and
23 (11) of that section are redesignated as subsections (8) and
24 (10), respectively, and subsections (3) through (7) and present
25 subsections (8) and (10) of that section are amended, to read:

26 985.686 Shared county and state responsibility for juvenile
27 detention.—

28 (2) As used in this section, the term:

29 (c) "Total shared detention costs" means the amount of
30 funds expended by the department for the costs of detention care
31 for the prior fiscal year. This amount is including the most
32 recent actual certify forward amounts minus any funds it expends

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33 on detention care for juveniles residing in fiscally constrained
34 counties or out of state.

35 (3)(a) For the 2016-2017 fiscal year, each county that is
36 not a fiscally constrained county shall pay to the department
37 its annual percentage share of \$42.5 million. By June 1, 2016,
38 the department shall calculate and provide to each such county
39 its annual percentage share by dividing the total number of
40 detention days for juveniles residing in that county for the
41 most recently completed 12-month period by the total number of
42 detention days for juveniles in all counties that are not
43 fiscally constrained counties during the same period. Beginning
44 July 1, 2016, each county shall pay to the department its annual
45 percentage share of \$42.5 million, which shall be paid in 12
46 equal payments due on the first day of each month. The state
47 shall pay the remaining actual costs of detention care. This
48 paragraph expires June 30, 2017.

49 (b) For the 2017-2018 fiscal year, and each fiscal year
50 thereafter, each county that is not a fiscally constrained
51 county shall pay its annual percentage share of 50 percent of
52 the total shared detention costs for the prior fiscal year. By
53 June 1, 2017, and each year thereafter, the department shall
54 calculate and provide to each such county its annual percentage
55 share by dividing the total number of detention days for
56 juveniles residing in that county in the most recently completed
57 12-month period by the total number of detention days for
58 juveniles in all counties that are not fiscally constrained
59 counties during the same period. The annual percentage share of
60 each county that is not a fiscally constrained county must be
61 multiplied by 50 percent of the total shared detention costs to

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62 determine that county's share of detention costs. Beginning July
63 1, each county shall pay to the department its share of
64 detention costs, which shall be paid in 12 equal payments due on
65 the first day of each month. The state shall pay the remaining
66 costs of detention care ~~Each county shall pay the costs of~~
67 ~~providing detention care, exclusive of the costs of any~~
68 ~~preadjudicatory nonmedical educational or therapeutic services~~
69 ~~and \$2.5 million provided for additional medical and mental~~
70 ~~health care at the detention centers, for juveniles for the~~
71 ~~period of time prior to final court disposition. The department~~
72 ~~shall develop an accounts payable system to allocate costs that~~
73 ~~are payable by the counties.~~

74 (4) ~~Notwithstanding subsection (3),~~ The state shall pay all
75 costs of detention care for juveniles residing in ~~for which a~~
76 fiscally constrained county and for juveniles residing out of
77 state. The state shall pay all costs of detention care for
78 juveniles housed in state detention centers in counties that
79 provide their own detention care for juveniles ~~would otherwise~~
80 ~~be billed.~~

81 (a) ~~By October 1, 2004, the department shall develop a~~
82 ~~methodology for determining the amount of each fiscally~~
83 ~~constrained county's costs of detention care for juveniles, for~~
84 ~~the period of time prior to final court disposition, which must~~
85 ~~be paid by the state. At a minimum, this methodology must~~
86 ~~consider the difference between the amount appropriated to the~~
87 ~~department for offsetting the costs associated with the~~
88 ~~assignment of juvenile pretrial detention expenses to the~~
89 ~~fiscally constrained county and the total estimated costs to the~~
90 ~~fiscally constrained county, for the fiscal year, of detention~~

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91 ~~care for juveniles for the period of time prior to final court~~
92 ~~disposition.~~

93 ~~(b) Subject to legislative appropriation and based on the~~
94 ~~methodology developed under paragraph (a), the department shall~~
95 ~~provide funding to offset the costs to fiscally constrained~~
96 ~~counties of detention care for juveniles for the period of time~~
97 ~~prior to final court disposition. If county matching funds are~~
98 ~~required by the department to eliminate the difference~~
99 ~~calculated under paragraph (a) or the difference between the~~
100 ~~actual costs of the fiscally constrained counties and the amount~~
101 ~~appropriated in small county grants for use in mitigating such~~
102 ~~costs, that match amount must be allocated proportionately among~~
103 ~~all fiscally constrained counties.~~

104 (5) Each county that is not a fiscally constrained county
105 shall incorporate into its annual county budget sufficient funds
106 to pay its annual percentage share of 50 percent of the total
107 shared detention costs of detention care for juveniles who
108 reside in that county for the period of time prior to final
109 court disposition. This amount shall be based upon the prior use
110 of secure detention for juveniles who are residents of that
111 county, as calculated by the department. Each county shall pay
112 the estimated costs at the beginning of each month. Any
113 difference between the estimated costs and actual costs shall be
114 reconciled at the end of the state fiscal year.

115 (6) Funds paid by the counties to the department pursuant
116 to this section must be deposited ~~Each county shall pay to the~~
117 ~~department for deposit~~ into the Shared County/State Juvenile
118 Detention Trust Fund ~~its share of the county's total costs for~~
119 ~~juvenile detention, based upon calculations published by the~~

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120 ~~department with input from the counties.~~

121 (7) The department ~~of Juvenile Justice~~ shall determine each
122 quarter whether the counties ~~of this state~~ are remitting funds
123 as required to the department ~~their share of the costs of~~
124 ~~detention as required~~ by this section.

125 ~~(8) The Department of Revenue and the counties shall~~
126 ~~provide technical assistance as necessary to the Department of~~
127 ~~Juvenile Justice in order to develop the most cost-effective~~
128 ~~means of collection.~~

129 ~~(9)-(10)~~ This section does not apply to a any county that
130 provides detention care for ~~preadjudicated~~ juveniles or that
131 contracts with another county to provide detention care for
132 ~~preadjudicated~~ juveniles.

133 Section 2. Subsection (2) of section 985.6015, Florida
134 Statutes, is amended to read:

135 985.6015 Shared County/State Juvenile Detention Trust
136 Fund.—

137 (2) The fund is established for use as a depository for
138 funds to be used for the costs of ~~pre-disposition~~ juvenile
139 detention. Moneys credited to the trust fund shall consist of
140 funds from the counties' share of the costs for ~~pre-disposition~~
141 juvenile detention.

142 Section 3. Paragraph (a) of subsection (11) of section
143 985.688, Florida Statutes, is amended to read:

144 985.688 Administering county and municipal delinquency
145 programs and facilities.—

146 (11) (a) Notwithstanding the provisions of this section, a
147 county is in compliance with this section if:

148 1. The county provides the full cost for ~~preadjudication~~

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149 detention for juveniles;

150 2. The county authorizes the county sheriff, any other
151 county jail operator, or a contracted provider located inside or
152 outside the county to provide ~~preadjudication~~ detention care for
153 juveniles;

154 3. The county sheriff or other county jail operator is
155 accredited by the Florida Corrections Accreditation Commission
156 or American Correctional Association; and

157 4. The facility is inspected annually and meets the Florida
158 Model Jail Standards.

159 Section 4. This act shall take effect upon becoming a law.